

Notice of Allowability

Application No.

09/823,238

Examiner

Sana Al-Hashemi

Applicant(s)

FEDERWISCH, MICHAEL

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/29/04.
2. ☒ The allowed claim(s) is/are 1,4-9,11-14,17-21,23-25,28-31 and 33-36.
3. ☒ The drawings filed on 21 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ALFORD KINDRED
PRIMARY EXAMINER

DETAILED ACTION

1. Claim Status: 1, 4-9, 11-14, 17-21, 23-25, 28-31, and 33-36 are allowed and claims 2, 3, 10, 15, 16, 22, 26, 27, and 32, are canceled.

Allowable Subject Matter

2. Claims 1, 4-9, 11-14, 17-21, 23-25, 28-31, and 33-36 are allowed over the prior art of record.

3. The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claims 1, 9, 14, 21, 25, 31,35, and 36, the prior art of record fails to disclose or suggest the claimed provision of: the snapshots (where the snapshot defined as a set of storage blocks, the member storage blocks forming a consistent file system, using the data structure that allows for efficient set management as incorporate by reference the discloser of Application # 09/127, 497) are used in mirroring the data and the data is organized in one or more volume on the filers, one or more of the volumes are mirrored and the first filer uses softlock to mark the snapshot needed for mirroring volumes from the first filer, in conjunction with remaining claim provisions is not taught or suggested, or obvious over the prior art of record or that encountered in searching the invention

4. The dependent claims 4-8, 11-13, 17-20,23-24, 28-30-33-34, being further limiting to the independent claims, definite and enabled by the Specification are also allowed.

Comments

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The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. As allowable subject matter has been indicated, Applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP section 707.07(a).

Conclusion

Other Prior Art Made of Record

1. Boonie et al. (US Patent No. 6,658,513) discloses managing locks affected by planned or unplanned reconfiguration of locking facilities.
2. Raz et al. (US Patent No. 5,852,715) discloses system for currently updating database by one host and barding the database by different host for the purpose of implementing decision support functions.
3. Bamford et al. (US Patent No. 5,873,098) discloses dynamic snapshot set adjustment.

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4. Pothapragada et al. (US Patent No. 6,442,682) discloses characterization of data access using file system.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
December 6, 2004